

MEMORANDUM

Agenda Item No. 11(A)(6)

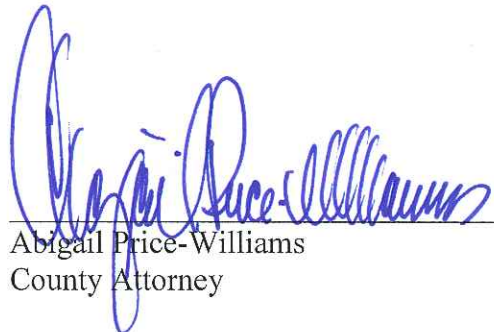
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: October 5, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution declaring surplus County-Owned land located at the corner of NE 2nd Avenue and NE 62nd Street, authorizing the conveyance of same to the City of Miami under Florida Statute section 125.38 for no monetary consideration for use in connection with construction of a public art exhibit, subject to approval of the conveyance by the City of Miami Commission; waiving Administrative Order 8-4 as it relates to review by the Planning Advisory Board; authorizing the Chairperson or Vice-Chairperson of the Board to execute a County Deed with restrictions for such purpose; and authorizing the County Mayor to take all actions necessary to accomplish the conveyance of said property and to exercise all rights set forth in the County Deed

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson.



Abigail Price-Williams
County Attorney

APW/lmp



MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: October 5, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(6)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Agenda Item No. 11(A)6)

Veto _____

10-5-16

Override _____

RESOLUTION NO. _____

RESOLUTION DECLARING SURPLUS COUNTY-OWNED LAND LOCATED AT THE CORNER OF NE 2ND AVENUE AND NE 62ND STREET, AUTHORIZING THE CONVEYANCE OF SAME TO THE CITY OF MIAMI UNDER FLORIDA STATUTE SECTION 125.38 FOR NO MONETARY CONSIDERATION FOR USE IN CONNECTION WITH CONSTRUCTION OF A PUBLIC ART EXHIBIT, SUBJECT TO APPROVAL OF THE CONVEYANCE BY THE CITY OF MIAMI COMMISSION; WAIVING ADMINISTRATIVE ORDER 8-4 AS IT RELATES TO REVIEW BY THE PLANNING ADVISORY BOARD; AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE BOARD TO EXECUTE A COUNTY DEED WITH RESTRICTIONS FOR SUCH PURPOSE; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO ACCOMPLISH THE CONVEYANCE OF SAID PROPERTY AND TO EXERCISE ALL RIGHTS SET FORTH IN THE COUNTY DEED

WHEREAS, the County owns a non-developable triangular shaped vacant property located at the Southeast Corner of NE 2nd Avenue and NE 62nd Street, as further described in Exhibit "A" (the "Property"); and

WHEREAS, the City of Miami has requested the conveyance of the Property, which is currently greenspace, for the purpose of erecting public art exhibits; and

WHEREAS, Miami-Dade Internal Services Department has announced the availability of the Property to all County departments to determine if they are interested in the Property, and no County department has expressed an interest in the Property; and

WHEREAS, this Board finds that, pursuant to section 125.38 of the Florida Statutes, the Property is required for such use, that the County does not otherwise require the Property for a County purpose, and that the intended use would promote community interest and welfare; and

WHEREAS, the Property would be conveyed for no monetary value to the City by a County Deed, in substantially the form attached as Exhibit "B," which will require the City to utilize the Property for a public art exhibits and for no other purpose, subject to a reverter in order to ensure compliance with the intent of this Board,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The foregoing recitals are incorporated in this resolution and are approved.

Section 2. This Board declares the Property as surplus and waives the requirements of Administrative Order 8-4 as it relates to review by the Planning Advisory Board.

Section 3. This Board approves the conveyance of the Property to the City of Miami for no monetary consideration pursuant to section 125.38 of the Florida Statutes, and authorizes the Chairperson or Vice-Chairperson of the Board to execute the County Deed in substantially the form attached as Exhibit "B." Such approval is contingent upon approval of the conveyance by the City of Miami Commission, and execution of an acceptance of County Deed, which are conditions precedent to the conveyance.

Section 4. The County Mayor or County Mayor's designee is authorized to take all actions necessary to accomplish this conveyance, and is directed to appoint staff to monitor compliance with the terms of this conveyance.

Section 5. This Board directs the County Mayor or the County Mayor's designee, pursuant to Resolution No. R-974-09, to record the County Deed in the public records of Miami-Dade County, and to provide a recorded copy of this document to the Clerk of the Board within 30 days of their execution, and further directs the Clerk of the Board to attach and permanently store a recorded copy of the County Deed together with this resolution.

The Prime Sponsor of the foregoing resolution is Commissioner Audrey M. Edmonson. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman	
Esteban L. Bovo, Jr., Vice Chairman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	


The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of October, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Debra Herman

Instrument prepared by and returned to:
Debra Herman, Esq.
Miami-Dade County Attorney's Office
111 N.W. 1 Street, Suite 2800
Miami, Florida 33128-1907

-----{{SPACE ABOVE THIS LINE RESERVED FOR RECORDING DATA}}-----

COUNTY DEED

THIS COUNTY DEED, made this day of , 2016, by Miami-Dade County, Florida, a political subdivision of the State of Florida, party of the first part (the "County"), whose address is: Stephen P. Clark Center, 111 N.W. 1st Street, Suite 2460, Miami, Florida 33128, and the City of Miami, a municipal corporation of the State of Florida (the "City"), whose address is: City Hall, 3500 Pan American Drive, Miami, Florida 33133.

WITNESSETH:

That the County, for and in consideration of benefits to the general public and for other good and valuable consideration, does hereby grant, bargain and sell the following described land lying and being in Miami-Dade County, Florida ("Property") for the sole purpose of utilizing the Property for public art exhibits, and for no other purpose:

LEGAL DESCRIPTION

See Exhibit A attached hereto

This conveyance is made for the public purpose of utilization for public art exhibits, and for no other purpose. No improvement or structure shall be permitted which is inconsistent with or impedes the appropriate movement of traffic, the safe and convenient transportation of people, or that causes any distraction to drivers or is otherwise hazardous to pedestrians or traffic flow, to be determined in the sole discretion of the County Mayor or Mayor's designee. The City shall maintain the Property in a safe and clean manner. The City shall not assign or transfer its interest in the Property or in this Deed absent consent of the Miami-Dade County Board of County Commissioners, which may be withheld in its sole and absolute discretion.

Exhibit B

If in the sole discretion of the County, the Property ceases to be used for this purpose by the City, or if the City violates any of the covenants or terms herein, the City shall correct or cure the violation within thirty days of notification of the default (directed to the City Mayor or City Manager) by the County as determined in the sole discretion of the County. If the City fails to remedy the default within thirty days, as determined in the sole discretion of the County, title to the Property shall revert to the County at the option of the County upon written notice of such failure to remedy the default. In the event of such reverter, the City shall immediately deed the Property back to the County, and the County shall have the right to immediate possession of such Property, with any and all improvements thereon, at no cost to the County. The effectiveness of the reverter shall take place immediately upon notice being provided by the County, regardless of the deed back to the County by the City. The County retains a reversionary interest in the Property, which right may be exercised by the County in accordance with this Deed. Upon such reversion, the County may file a Notice of Reversion evidencing same in the public records of Miami-Dade County.

This grant conveys only the interest of the County and its Board of County Commissioners in the Property herein described and shall not be deemed to warrant the title or to represent any statement of facts concerning the same.

[THE REMAINDER OF THIS PAGE WAS INTENTIONALLY LEFT BLANK]

[ONLY THE SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF Miami-Dade County has caused this Deed to be executed in its name by its Board of County Commissioners acting by the Chairperson or Vice-Chair Person of said Board, the day and year aforesaid.

(OFFICIAL SEAL)

ATTEST:
FLORIDA

HARVEY RUVIN, CLERK

MIAMI-DADE COUNTY,

BY ITS BOARD OF
COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____

Approved for legal sufficiency: _____

The foregoing was authorized by Resolution No.: _____ approved by the Board of County Commissioners of Miami-Dade County, Florida, on the _____ day of _____, 2016.

IN WITNESS WHEREOF, the City has caused this document to be executed by its duly authorized representative on this _____ day of _____, 2016, and it is hereby approved and accepted by same.

ATTEST:

CLERK

CITY OF MIAMI, FLORIDA,
C a municipal corporation of the State of
Florida by its City Manager

By: _____
Clerk

By: _____

Name: _____

Title: _____

Witnessed:

The foregoing was authorized by Resolution
No.: _____ approved by the
Board of City Commissioners, on the
_____ day of _____, 2016.

